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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number HB241/aHEC **Sponsor** Representatives Harper, Roch,
Garcia Richard, Trujillo, CH,
Roybal Caballero, & Senator Brandt

Tracking Number .204642.3 **Committee Referrals** HLEDC/HEC

Short Title Use of Attendance in Teacher Evaluations

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 241 (HB241/aHEC) strikes the following provision: “Unless precluded from consideration by a local school board policy, charter school governing council policy, administrative regulation or an applicable collective bargaining agreement, teacher attendance may be considered as part of a teacher’s annual performance evaluation; provided, however, that a teacher’s use of up to ten days of sick leave shall not affect a teacher’s attendance record. The consideration of teacher attendance as part of a teacher’s annual performance evaluation shall not include personal leave days. A teacher who uses sick leave for more than three consecutive days, with or without pay, shall submit documentation from a medical provider confirming the reason for the teacher’s absence.”

It replaces it with the following: “A teacher’s use of personal leave and up to ten days of sick leave shall not affect that teacher’s annual performance evaluation; provided that the leave is used consistently with the policy of the local school board or the governing body of the charter school that employs that teacher.”

Synopsis of Original Bill

HB241 provides that teacher attendance may be considered as part of a teacher’s evaluation, unless precluded by a school board or charter school governing council policy, administrative regulation, or an applicable collective bargaining agreement. A teacher may use up to 10 days of sick leave and this will not affect a teacher’s attendance record on their annual evaluation. However, a teacher must submit documentation from a medical provider confirming the reason for the absence when using sick leave for more than three consecutive days. If a teacher’s use of sick leave is inconsistent with a school board or charter school governing council policy, administrative regulation, or an applicable collective bargaining agreement, the teacher’s annual

performance evaluation may reflect the lowest score possible on the teacher attendance portion. The consideration of teacher attendance as part of a teacher's annual performance evaluation will not include personal leave days.

FISCAL IMPACT

The bill does not contain an appropriation.

In a recent interim hearing before the Legislative Education Study Committee, the Public Education Department (PED) stated requiring teacher attendance on every teacher's evaluation reduces teacher absences and saves money. Statewide, school districts saved \$3.6 million on substitute teacher costs in the past year, and the time teachers spent in the classroom increased by approximately 400 thousand hours.

SUBSTANTIVE ISSUES

On November 4, 2016, PED released a memo updating the teacher evaluation system for the 2016-2017 school year, which clarified teacher attendance and surveys would be required on all teacher evaluations beginning this school year and each would be worth 5 percent of the overall summative evaluation. Additionally, the memo noted that a teacher may utilize a total of 10 personal days throughout the school year and still earn an exemplary summative evaluation rating and an effective rating in the teacher attendance measure. PED stated that the teacher attendance measure is designed to acknowledge that personal days are often needed and to utilize the average number taken by teachers in the majority of school districts, which is 10 days. If all 10 days are used, a teacher can still earn an effective rating in this specific measure.

OTHER SIGNIFICANT ISSUES

The New Mexico teacher evaluation system framework consists of four categories: improved student achievement; classroom observations; planning, preparation, and professionalism; and surveys and attendance. Each category is weighted according to the amount of student achievement data available for the teacher. Improved student achievement is worth from 0 to 50 percent; classroom observations are worth 25 to 50 percent; planning, preparation, and professionalism is worth 15 to 40 percent; and surveys and teacher attendance are worth 10 percent.

Teacher Attendance. According to PED's website, teacher attendance scores are based on a calculation of total points available less the number of days a teacher is absent. If total absences reported is less than or equal to three days, then the teacher receives 100 percent of attendance points; however, if total absences reported is greater than three days then the standard formula applies. A school district can submit its own cut scores, but they cannot be more lenient than the state default scores. Leave that is excluded from the attendance calculation includes leave under the federal Family and Medical Leave Act, bereavement, jury duty, military leave, religious leave, professional development, and coaching.

According to research from the National Bureau of Economic Research, teacher attendance is directly related to student outcomes; the more teachers are absent, the more student achievement is affected. For example, when teachers are absent 10 days, the decrease in student achievement is equivalent to the difference between having a brand new teacher and one with two or three years more experience.

During the 2013-2014 school year, the U.S. Department of Education's Office of Civil Rights estimated that 27 percent of the nation's teachers are absent from school for more than 10 days of regular classes based on self-reported numbers from school districts. In the majority of states, 20 to 29 percent of teachers missed that amount of time. New Mexico school districts reported teacher absenteeism at 21 percent. By contrast, the following states reported the lowest levels of teacher absenteeism: Idaho at 18 percent; South Dakota at 17 percent; and Utah at 16 percent.

RELATED BILLS

Relates to HB41, Alternative Level 3-B Administrator License

Relates to HB105a, Innovations in Teaching Act

Relates to HB124, Teacher Competency for Licensure Advancement

Relates to HB125, Teacher & Principal Evaluation System

Relates to HB158, Teacher Evaluation Pilot Project

Relates to SB34, Teacher & Principal Evaluation System

SOURCES OF INFORMATION

- LESC Files

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